

Attorney Docket No.: DRE-0057
Inventors: Spotila, Loretta D.
Serial No.: 09/856,937
Filing Date: August 15, 2001
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REMARKS

Claim 1 is pending in the instant application. Claim 1 has been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claim 1 under 35 U.S.C. § 112, first paragraph

The rejection of claim 1 under 35 U.S.C. § 112, first paragraph, has been maintained, for lack of enablement. The Examiner suggests that enablement of claim 1 requires that an association between the detected polymorphism and osteoporosis actually exist. Thus, in an earnest effort to advance the prosecution of this case, and in accordance with the Examiner's acknowledgment in the Office Action of January 30, 2003 that such an association exists for polymorphisms at nucleotides at positions 593, 598 and 620 of exon 10 of the tumor necrosis factor alpha 2 receptor gene, Applicants have amended claim 1 to be drawn to a method for identifying human individuals at risk of developing osteoporosis wherein a polymorphism at position 593, 598 or 620 of exon 10 (SEQ ID NO:1) of the TNFR2 gene is indicative of the human individual being at risk of developing osteoporosis.

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Withdrawal of this rejection under 35 U.S.C. § 112, first paragraph is therefore respectfully requested.

II. Rejection of Claim 1 under 35 U.S.C. § 112, second paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner suggests that claim 1 is indefinite over the recitation of the limitation "the TNFR2 gene (SEQ ID NO:1)" because SEQ ID NO:1 corresponds to the fragment comprising exon 10 of the TNFR2 gene, not the entire gene.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 1 to clarify that exon 10 of the TNFR2 gene is depicted by SEQ ID NO:1.

Withdrawal of this rejection under 35 U.S.C. § 112, second paragraph, is therefore respectfully requested.

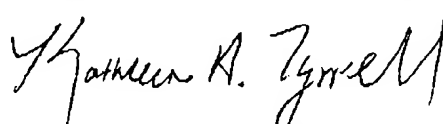
III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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